United Nations CRC/C/PLW/2

Convention on the Rights of the Child

Distr.: General
15 March 2017

Original: English
English, French and Spanish only

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Second periodic reports of States parties due in 2002

Palau*, **

[Date received: 27 July 2016]

* The present document is being issued without formal editing.

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Executive Summary

The Convention on the Rights of the Child

The Constitution of the Republic of Palau guarantees the children and the people of Palau the ***basic rights*** to a name, nationality, preservation of identity and freedom from discrimination. This is stated in the Constitution, as per *Art III, §1which states:* "A person who is a citizen of the Trust Territory of the Pacific Islands immediately prior to the effective date of this Constitution and who has at least one parent of recognized Palauan ancestry is a citizen of Palau." Palau Constitution.

The *Art III § 4 of the* Constitution further guarantees that "A person born of parents, one or both of whom are of recognized Palauan ancestry, shall have the right to enter and reside in Palau and to enjoy other rights and privileges as provided by law, which shall include the right to petition to become a naturalized citizen of Palau; provided, that prior to becoming a naturalized citizen, a person must renounce his citizenship of another nation. There shall be no citizenship by naturalization except pursuant to this section."

In addition, the 2nd Constitutional Convention in 2005 proposed to amend *Art. III, § 4* of the Constitution, however, this proposal did not meet the legal requirement for amendment. The Proposed amendment read as follows: "A person born of parents who are not of recognized Palauan ancestry and who is adopted before the age of three (3) by parents(s), one or both of whom are citizens of Palau, shall have the right to enter and reside in Palau to enjoy other rights and privileges as provided by the law, which shall include the right to petition through a special act of the Olbiil Era Kelulau to become a naturalized citizen of Palau: There shall be no citizenship by naturalization except pursuant to this section."

Under the Fundamental Rights of the Constitution of the Republic of Palau, the children are ensured their ***survival rights*** to life, and adequate standard of living, shelter, nutritious food, and health care; this is stated in the Constitution on *Art. IV, § 6* which states: "The government shall take no action to deprive any person of life, liberty, or property without due process of law nor shall private property be taken except for a recognized public use and for just compensation in money or in kind…"

Article IV was further amended during the Second Constitutional Convention in 2005 and included a new section, *§ 16*, which states: "The national government shall provide free preventative health care for every citizen as prescribed by law." This was enacted in 2008, General Election.

The Constitution further ensures "…the promotion of the health and social welfare of the citizens through the provision of free or subsidized health care…" under *Article 6: Responsibilities of the National Government*

The Children of Palau are warranted ***development rights*** to an education, play and leisure, cultural activities, access to information, and freedom of thought, conscience, and religion, as stated in *Article VI* of the Constitution: "The national government shall take positive action to attain these national objectives and implement these national policies: conservation of a beautiful, healthful and resourceful natural environment; promotion of the national economy; protection of the safety and security of persons and property; promotion of the health and social welfare of the citizens through the provision of free or subsidized health care; and provision of public education for citizens which shall be free from grades one (1) to twelve (12) and compulsory as prescribed by law."

Additionally, the Sixteenth Amendment, created during the 2nd Constitutional Convention, went a step further by including a *Section 15* to *Article IV* reading as follows: "In post-

secondary education and any institution of higher learning, academic freedom is guaranteed." This proposed amendment was enacted in November 19, 2008.

These rights are also strengthened through *Palau National Code (PNC) Title 22 Education* where it is stated, "…the purposes of education in the Republic are to increase citizen participation in economic and social development, to unify the Republic by giving the people knowledge of their islands, economy, government and world, and to provide citizens of the Republic with the knowledge and skills required for self-development and the development of the Republic."

The Constitution provides freedom of expression and conscious belief, which refer to this Convention's ***participation rights,*** to take an active role in the community life, to form and express opinions, to have a say in matters affecting the child's own life, to join associations, and to meet with other children. Under *Article IV* of the Palau Constitution, fundamental rights are given to all citizens of Palau including its children.

The process of involving children and youth in policy formulation and program design is now widespread in Palau. Many organizations routinely make provisions for children and youth to be heard. Non-government organizations, such as the Palau Community College, specifically include a youth or student representative in their Board of Directors or have other mechanisms for involving children and youth. While there is always the ability to improve, given that Palau is traditionally a society in which only elders speak, tremendous progress has been made in opening up avenues for children and youth to be heard on matters that affect them.

Palau awards its children ***protection rights*** to be safeguarded against abuse, neglect, exploitation, drugs and pornography and to be given special consideration by the justice system, in the workplace, and in times of war. Children with special needs have the right to receive special care (e.g., disabled, ethnic minorities, children without families, children who are adopted, and children living in poverty). Supported by *Art IV, §11* of the Palau Constitution, "The government shall protect children from exploitation." The Family Protection Act of 2012 also protects the children and people of Palau with a budget of $20,000 for its implementation in 2014.

The Constitution of the Republic of Palau guarantees fundamental human rights[1] to its citizens including children, namely: the freedom of conscience or of philosophical or religious belief; the freedom of expression or press; the right to peaceful assembly; the right to be secure in his/her person, house, papers and effects against entry, search and seizure, equality under the law; non-discrimination on the basis of sex, race, place of origin, language, religion or belief, social status or clan affiliation except for the preferential treatment of citizens, for the protection of minors, elderly, indigent, physically or mentally handicapped, and other similar groups, and in matters concerning intestate succession and domestic relations; the right not to be deprived of life, liberty, or property without due process of law; the protection from *ex-post facto* prosecution; the protection from warrantless searches; the presumption of innocence until proven guilty; the right to be informed of the nature of the accusation and to a speedy, public and impartial trial; the right to compensation by the government as prescribed by law or at the discretion of the court; the right to enter and leave Palau; the right to be free from torture, cruel, inhumane or degrading treatment or punishment; slavery or involuntary servitude is prohibited except to punish crime; the protection of children from exploitation; the right to examine any government document and to observe the official deliberations of any agency of government; marital and parental rights, privileges and responsibilities on the basis of equality between men and women, mutual consent and cooperation.

[1] *Article IV* Constitution of Palau

The reporting process

For a span of over 15 years, the Government of the Republic of Palau have only submitted one report on Human Rights, which was the initial report on the Convention on the Rights of the Child in 1998. Since that time, government officials became more aware of the importance and value of international human rights treaties and Palau prepared and presented its first Universal Periodic Review report in 2010. Stemming from this report, Palau signed all core Human Rights Conventions in 2011; had many consultations on various human rights treaties including a consultation on the possibility of a National Human Rights Committee; and most recently ratified the Convention on the Rights of Persons with Disabilities.

Recognizing the importance of the Rights of Children in Palau and fulfilling its international obligations most especially towards the Conventions on the Rights of the Child, His Excellency Tommy E. Remengesau, Jr., President of the Republic of Palau created a Reporting Committee on the United Nations Conventions on Human Rights through Executive Order No. 368, signed on 29 May 2014.

The National Reporting Committee on the UN Conventions on Human Rights, whose objective is to ensure that Palau complies with all reporting obligations to the United Nations Human Rights conventions in a timely and satisfactory manner. The Committee is comprised of the 8 Government Ministers in the Executive Branch which are the:

- Ministry of State, chair of the committee because of its role in overseeing foreign affairs and international treaties;
- Ministry of Community & Cultural Affairs, vice-chair of the committee, ministry responsible for the cultural and social development of Palau by enhancing the well-being of the community and to preserve and maintain Palau's cultural and traditional heritage;
- Ministry of Finance, providing statistical data and budgetary allocations, with one of its responsibility to formulate the ROP annual national budget in line with approved developmental plans including the compilation of relevant economic and socio-demographic statistics to support policy and planning analysis;
- Ministry of Natural Resources, Environment & Tourism, responsible for the sustainable management and promotion of Palau's fisheries, agriculture and tourism;
- Ministry of Education, responsible for the development of the children of Palau, providing the public school system with services that will help increase the capacity of elementary and secondary schools to meet the educational needs of children throughout the Republic;
- Ministry of Justice, providing information, policies and procedures on security and preventive programs for the youth;
- Ministry of Public Infrastructure, Industries & Commerce, providing information on Palau's economy, economic accessibility, and infrastructure accessibility; and
- Ministry of Health, providing health statistics, services and programs for the children of Palau.

The Committee is supported by a Human Rights Working Group (WG) responsible for collecting and compiling the information needed for reporting and ensuring that Palau complies with all the reporting obligations and their submission in a timely and satisfactory manner. The WG also takes on the task of public awareness, legislative compliance review, consultations and the development of the progress of the human rights treaties. The Working Group consists of, but is not limited to, representatives from (1) Bureau of

Foreign Affairs & Trade, (2) Bureau of Budget & Planning, (3) Bureau of Youth, Sports & Recreation, (4) Office of the Attorney General, (5) Bureau of Public Health, (6) Division of School Management, (7) Bureau of Immigration, (8) Head Start Office, Palau Community Action Agency[2] with the inclusion of the Pacific Islands Forum Secretariat (PIFS) Human Rights Adviser and Small Island States (SIS) Officer as advisors to the Working Group. Gender and Disability issues were key consideration when creating the Human Rights Working Group.

In March 2014, the Ministry of State took the responsibility of convening an in-country workshop with relevant Government stakeholders on Palau's report on the CRC. In collaboration with the Pacific Islands Forum Secretariat, a workshop was held with representatives from the Ministry of Finance, Ministry of Education, Ministry of Health, Ministry of Community & Cultural Affairs and other stakeholders. With the expert guidance of the PIFS Human Rights Adviser, the CRC reporting guideline was shared and a way forward was created for Palau to develop its report. Representatives in the workshop all agreed on the importance of creating a Human Rights Working Group and made a recommendation to the Office of the President. The recommendation was accepted and thus the creation of the Human Rights Committee, supported by the Human Rights Working Group.

CRC information — collation, analysis and inclusion

The Working Group met twice a week in order to expedite the CRC report. Using the UN CRC reporting guideline, the WG created treaty specific guidelines to all Ministries for the purpose of collecting data and information for this report. Through series of meetings with individual stakeholders, consultations, workshops and the support of the Human Rights Committee, the WG collated pertinent information related to the said report.

In September 2014, the Pacific Island Forum Secretariat's Human Rights Advisor was invited back to Palau to assist in the drafting of the CRC report. This was a follow up support working with the Human Rights Working Group on the initial draft of the CRC report.

Palau's Initial Implementation Report

Since receiving the concluding observation in 1998, there has been much progress in the promotion for children's rights, namely:

Title 22 of the Palau National Code provides for free, compulsory public education for all children ages 6-17, or until graduation from high school.

RPPL No. 7-55 is an Act which provides for the elimination of spouse exemptions relating to child sexual abuse cases and amends the reporting requirements and penalties, to create a child hearsay exception, to allow close circuit television and to extend the statute of limitation.

Title 21 Domestic Relations - Chapter 6 of the Palau National Code states that "it is the policy of the National Government to provide for the protection of children who are subject to abuse, sexual abuse or neglect and who, in the absence of appropriate reports concerning their conditions and circumstances, may be further abused, sexually abused, or neglected by the conduct of those responsible for their care and protection."

[2] The inclusion of civil society shall be made on a merit basis.

Palau's Child Abuse Law (21 PNC Chapter 6 as amended by RPPL 7-55) defines abuse, neglect and sexual abuse; requires responsible officials to report suspected cases to the Office of the Attorney General within 48 hours; suspends the normal privileges of communications between spouses and doctors' clients in matters related to abuse; and provides for criminal penalties upon conviction ranging from a fine of not less than USD 1,000 to not more than USD 50,000 or imprisonment of not less than 6 months to 25 years or both.

The three National Government agencies responsible for intervening in suspected cases of abuse, neglect and sexual abuse are the Bureau of Public Safety, the Office of the Attorney General and VOCA (Victims of Crime and Assistance) within the Ministry of Health.

There is no legislation that specifically addresses exploitation of children via sexually explicit videos, movies, photos, and electronic images. There are anecdotal reports of children being exploited through payment for posing for sexually explicit photographs, but these reports could not be substantiated for this analysis.

Children with special needs are defined as persons between the ages of 0 and 21 years of age who need special assistance in education and related services beyond those required by most other children due to long term physical, developmental, behavioural or emotional conditions. There are approximately 300 such children currently on the registry in the Health Department, 189 of whom also receive special education services. Of the children served by special education, 15 are severely disabled, requiring either service in their homes or in a specialized education facility.

Services for children with disabilities are coordinated by an Interagency Task Force headed by the Ministry of Health with membership from Special Education, Head Start, Behavioural Health, Vocational Rehabilitation, Physical Therapy, Out Patient Clinic and Palau Parents Network. The purpose of the Task Force is to provide seamless child center services extending from birth to childhood. Under the Palau Constitution (Art V), persons with disabilities are designated as a vulnerable group entitled to special consideration by government. The Handicapped Children's Act of 1989 (22 PNC § 4) requires the National Government to "provide education services to all children to enable them to live free and productive lives ... (and) to provide full education opportunities and necessary support services to each handicapped child in order that the child acquires the skills and knowledge necessary to lead a fulfilling and productive life as a citizen of the republic."

The Act also designates mainstreaming as the strategy of choice for delivering services to the disabled, establishes the Interagency Task Force on Children with Special Needs and guarantees that, if Federal funds for Special Education services phase out, the Olbiil Era Kelulau will appropriate replacement funds from local revenues.

Article VI of the Palau Constitution states that public education for citizens shall be free and compulsory. This is in line with the Convention on the Rights of the Child to which Palau is a party. Furthermore, the Palau National Code, Title 22, §101 states that the National Government shall "provide for an educational system which shall enable the citizens of Palau to participate fully in the progressive development of the Republic as well as to gain knowledge in all areas" ... and that "the purposes of education in the Republic are to increase citizen participation in economic and social development.. These skills include professional and vocational, as well as social and political abilities."

Addenda to the laws are the Education Master Plan, Health Master Plan, and Palau National Youth Policy. The evolving progression from childhood to full maturity is recognized in the Palau National Youth Policy that defines youth as persons aged between 13 and 34 years. The law also recognizes the gradually evolving capacity of the youth. The law (21 PNC§105) states that an individual reaches the age of maturity on his or her 18th birthday.

Eighteen is also used as the demarcation between childhood and adulthood in three other sections of the legal code:

- National Child Abuse and Neglect Act (*21 PNC §6*)
- Delinquent Child Act (*34 PNC §6105*) and
- Voting Rights (*PNC, Title 23*)

The National Youth Congress is the umbrella organization for youth groups in each of the 16 states of Palau. Youth problems are mainly centered on unemployment, substance and alcohol abuse, and external influences. Youth in Palau need to be more involved in the development of the country. A National Youth Policy has been developed to assist the youth in addressing these challenges.

Palau National Youth Policy Mandate #2 states that " the nation shall ensure safe, healthy and enjoyable passage through the youth period by developing strategies to maximize physical, spiritual and mental health, paying special attention to addressing the issues of substance abuse, depression and suicide." The Convention on the Rights of a Child, Art. 36, states that a child has the right to protection from; "all form of exploitation prejudicial to any aspects of the child's welfare." The Palau National Master Development Plan, Medium Term Development Strategies, Health Master Plan, and Education Master Plan are all in line with the Pacific Youth Strategies and the Millennium Development Goals.

Palau Child Protection Baseline Research Project was completed in February 2011, headed by the Ministry of Health's Health Policy, Research and Development Office in collaboration with the Ministry of Community and Cultural Affairs, Ministry of Education and Ministry of Justice. The purpose of the survey was to: (i.) establish baseline information on child protection in Palau; (ii.) collect information that will assist the government in designing child protection strategies to meet the needs of Palau's children and their families; and (iii.) to enable Palau to meet reporting requirements to the United Nations, the Republic of Palau and other multi and bilateral agencies that provides funding to Palau for programs for children and their families.

Since the promulgation of the MDGs, Palau has incorporated many of the goals into major policies and plans, passed significant legislation and introduced new programs which enhance the lives of children and their families:

- A National Plan of Action for Children was prepared in 1997 at the time of Palau's first report to the International Committee on the Rights of the Child. This plan was updated in 2007 as an output of the UNICEF-sponsored update on the Situation of Children. In the interim, sector and sub-sector plans have been prepared to address specific aspects of children's well-being notably, the revised Education Master Plan (EMP) 2006-2016 and the Maternal and Child Health (MCH) Plans (updated annually). Goals and targets are prominently featured in the EMP 2006-2016 and are referenced as applicable in the National MCH Plan;
- A National Youth Policy (encompassing the 15-34 age group) was prepared in 2004 and revised in 2015, which is now pending its adoption in the Congress;
- The National Master Development Plan was prepared in 1994 and adopted in 1996. The plan was updated in 2007-8;
- Legislation has been enacted to extend mandatory school attendance to age 17 or high school graduation;
- A National Nutrition Act for Children has been enacted to implement the International Code on the Marketing of Breast milk Substitutes;

- Legislation has been enacted that makes it a criminal offence for an HIV/AIDS positive person to knowingly infect other persons;
- Comprehensive tobacco control legislation has been proposed in the National Congress to implement the International Framework Convention on Tobacco Control;
- Proposed amendments to Child Abuse legislation have been introduced into the National Congress to increase penalties;
- Other legislation now before Congress includes mandatory seat belt/car seat safety measures and mandatory health examinations for school children;
- The Ministry of Justice has implemented an alternative sentencing program for juveniles charged with non-violent offences; this program includes restitution to victims, community service, and cultural education.

A. Overview

The Republic of Palau is the westernmost group of the Caroline Islands in Micronesia, lying almost equidistant from the Philippines to the west, Papua New Guinea to the south, and Guam to the northeast. Comprised of over 340 islands, Palau has a total land mass of 188 square miles and a maritime exclusive economic zone of 237,830 square miles.

There are three indigenous languages in Palau: Palauan, spoken on the main islands, Sonsorolese and Tobian, spoken in the Southwest Islands.

Christianity was introduced by Spanish missionaries in the early years of European contact. Today, 99% of residents are affiliated with an organized religion, including: the Roman Catholic (49%); the Protestant (23%); the Modekngei religion (9%); the Seventh Day Adventist (5%); and several smaller denominations.

Palau approved its Constitution in 1981. After eight referenda and an amendment to the Palau Constitution, the Compact of Free Association with the United States went into effect on October 1, 1994, marking Palau's emergence from trusteeship to independence.

B. System of Government

Palau is a democratic republic with directly-elected executive and bicameral legislative branches. General elections take place every four years to elect the president, vice president and members of Congress. The Palau National Congress (Olbiil Era Kelulau) has two houses (The Senate and the House of Delegates). The Senate has 13 members elected nationwide. The House of Delegates has 16 members one from each of Palau's 16 states. Each state also elects its own governor and legislators.

The President of Palau is both head of state and head of government. Executive power is duly established under Art VIII, §1-14 of the Palau Constitution. The legislative power is vested in the Palau National Congress and duly established under Art IX, §1-17 of the Palau Constitution.

The establishment and functions of the judiciary are provided for under Art X, §1-14. The judiciary is comprised of the Supreme Court and its Appellate Division, the National Court, the Court of Common Pleas and the Land Court. The judiciary is independent of the executive and the legislative branches.

In November 2012, Palauans elected a new President, Tommy E. Remengesau, Jr., and Vice President, Antonio Bells. They took office on 15 January 2013.

The Council of Chiefs, which is comprised of the highest traditional chiefs from each of the 16 states, acts as advisory body to the President. The Council is consulted on matters concerning traditional laws and customs. The recognition of the Council of Chiefs as an advisory body to the President is provided for under Art VIII, §6 of the Palau Constitution.

C. Constitution

The Constitution of the Republic of Palau is the supreme law of the nation. It establishes the fundamental rights of every citizen and the powers of government; ensures checks and balances among the three separate independent branches, that government power will not exceed its jurisdiction; and gives recognition to traditional rights. Any law, act of government or agreement to which the Government of Palau is a party shall not conflict with this Constitution and shall be invalid to the extent of such conflict.

D. Language

Art XIII, §1 of the Palau Constitution states that the Palauan traditional language is the national language, and both Palauan and English are the official languages. According to recent amendments to this Article of the Palau Constitution, if there is a conflict between Palauan and English interpretations of the Constitution, the Palauan version shall prevail and the Olbiil Era Kelulau (Palau National Congress) determines the appropriate use of each language.

E. Population

The population in 2012 was 17,501 persons, of whom 12,855 (73%) were ethnic Palauan and 4,646 (27%) were non-Palauan. Most non-Palauan residents are foreign workers from the Philippines and other Asian countries (84%).

F. Basic Needs Poverty Line (BNPL)

According to the ADB-Country Partnership Strategy PALAU 2009-2013, 25% of the population is below the national basic needs poverty line. The depth of poverty is similar to the regional average. Income distribution across Palau is fairly even. A recent survey conducted by the Ministry of Finance (2009) found that, out of the 4,000 households surveyed, the average household income was USD 6,000.

G. International Human Rights Obligations

Art IX, §5(7) of the Palau Constitution gives the power to the *Olbiil Era Kelulau* (the Palau National Congress) to ratify treaties by a vote of a majority of the members of each house. Palau has ratified two human rights convention, the Convention on the Rights of the Child on 04 August 1995, and the Convention on the Rights of People with Disabilities on June 2013. Subsequently, Palau has taken an active role in regional and global forums on children and social development. Palau has endorsed the Beijing Declaration, the Millennium Development Goals (MDG) and the World Fit for Children goals at the highest policy levels and uses these documents to guide national development. Palau continues to review and consider the other 6 human rights treaties that are pending in Congress for ratification.

H. Human Rights

Palau has a good human rights record as evidenced by mainly free and fair democratic elections, respect for the rule of law and an independent and functioning judiciary system. As with many other countries, Palau's challenges continue in the areas of climate change, environment degradation, disparity of social and economic well-being, alcohol and substance abuse, high mortality rate affected by non-communicable diseases, limited access and opportunities of vulnerable groups and persons with disabilities, employment protection for local Palauan workers, domestic violence and human trafficking, with reports of incidents of abuse and discrimination against some foreign workers. The Constitution of the Republic of Palau and the Universal Declaration of Human Rights are used as the guiding tools for the development of human rights laws in Palau.

The Children of Palau

I. General measures of implementation

Allocation of resources

1. Palau Leadership proposed a legislation to establish a Palau Severely Disabled Funds Program to provide assistance to our special citizens. Therefore, *RPPL 6-26* was signed into law on September 27, 2002. *RPPL 6-26* appointed the Ministry of Community and Cultural Affairs to administer the Palau Severely Disabled Funds through its Bureau of Community Services, today, that Bureau is now the Bureau of Youth, Sports and Recreation and continues to administer the disabled funds.

2. Those who were determined to be homebound and needing 24 hour care were eligible to a monthly stipend of $50 and those determined to be wheelchair bound and/or blind were eligible to receive a $30, today, those amounts have changed so those who were receiving $50 are now receiving $70 and those who were receiving $30 are now receiving $50.00.

3. Eligibility criteria to receive these assistances are: person with disability must be homebound, wheelchair and blind. A committee appointed by the President of the Republic of Palau is delegated the responsibility to screen applicants, do home visits and provide annual report to the National Congress and the President's Office. For FY 2014, the National Congress appropriated $225,000.00 to the Palau Severely Disabled Funds Program. The program continues to receive and process applicants.

4. *Article VI* of the Constitution of Palau states: "The national government shall take positive action to attain these national objectives and implement these national policies: ... promotion of the health and social welfare of the citizens through the provision of free or subsidized health care; ..."

5. *34 PNC § 331* entitled "Fees for services" states "Effective ninety (90) days after the effective date of this section, the fees in the Ministry of Health Medical and Other Related Fee Schedule 1995 shall be suspended and the Minister of Health shall establish a new fee schedule for all non-Palauans and Palauans, pursuant to the *Administrative Procedure Act, 6 PNC Chapter 1*. However, Palauan citizens and their spouses shall be charged at a subsidized rate compared to non-Palauans. All funds received pursuant to these fee schedules shall be deposited into the Hospital Trust Fund established by *RPPL No. 4-32*, as amended by *RPPL No. 7-7*. The Minister of Health shall report to the Committees on Ways, Means and Financial Matters of both Houses of the Olbiil Era Kelulau on a semi-annual basis, report should at minimum provide the balance sheet of the Hospital Trust Fund Account. However:

(a) No person in need of medical care may be denied such care because of inability to pay all or any part of any fee established; however, this section shall not apply to non-residents who travel to Palau for the express purpose of receiving medical treatment;

(b) There shall be no distinction in treatment or care based upon non-payment or the amount of payment."

6. Funds allocated for overall health activities have increased significantly over the past decade although funding for core public health activities targeting mothers, children, and families (e.g. Maternal and Child Health and Family Health programs) has not increased significantly.

7. The Ministry of Health is very concerned about ensuring adequate human resources for health, namely (1) recruiting new health workers and (2) upgrading the skills of current health workers in response to changing epidemiological patterns.

8. The number of physicians available in Palau has steadily increased since the early 1990's but there continues to be a shortage of Palauan nurses and ancillary health care professionals. Several actions have been taken to address issues of recruitment:

- A career ladder in nursing has been developed in which high school graduates are recruited and trained on-the-job as nurse aides; they are then assisted to train as LPNs (Licensed Practical Nurses), and later, assisted to train as RNs (Registered Nurses) through a Nursing Education Program at the Palau Community College;
- Legislation has been introduced to suspend the Mandatory Retirement Law (age 60 or 30 years of service) for nurses and to provide financial incentives for nurses who have or are eligible to retire to stay on the job or return to work; and
- The Ministry of Health and the Ministry of Education have recently (2007) embarked on a collaborative effort to improve science education in the schools and thereby help ensure that students interested in health careers have the prerequisite education in the sciences to facilitate their success.

9. To upgrade the skills of existing health personnel, the Palau Ministry of Health is collaborating with Palau Community College and health authorities in the Federated States of Micronesia and the Marshall Islands through the AHEC (Area Health Education Center). This center is based at Palau Community College but provides in-service training to a wide range of health personnel throughout Micronesia.

10. The Ministry of Health has two areas where services are provided to children - the Obstetric Ward, which serves infants and Community Health Centre. The Bureau of Nursing funds the salary for the nurses that serve the Obstetric Ward which is allocated 13% of the total budget for the Bureau of Nursing. The Public Health also have nurses that serve the Community Health Center (CHC) that cater children. Of the total budget, 14% of the total salary goes to the nurses that serve CHC which is reliant on funding by other grants and a further 35% of the nurses' salary is funded by local fund.

OB Ward	170 08 30	13%
Public Health Nurses (CHC)-Local	111 287 88	35%
Public Health Nursed (CHC) - Feds	54 213 30	14%

11. The Ministry of Health also has policies in place to prevent children from coming to the hospital unsupervised. Per Ward Routine Policies Section 8 are as follows:

- Children under the age of 14 years are not allowed to stay with the patient as attendant (8.1);
- Only one adult attendant is allowed to stay in the wards with the patient (8.2); and
- For critically ill or unstable patient, no more than two attendants are acceptable at the bedside (8.3).

Early childhood development (care and education)

12. Belau Head Start Program provides comprehensive services that include health (Medical, Nutrition, Dental and Mental Health), education, disability, family/community

partnership and facility & transportation to children between the ages of 3-5 years old and their families regardless of their ethnicity, nationality, gender and religion. Its mission is to work in partnership with families and communities to promote health and educational success of our children. It aims to:

- Respect cultural diversity of each child;
- Empower families to become involved in their child's health and education;
- Foster a learning environment conducive for the child;
- Promote healthy growth and development of the child;
- Promote a sense of belonging for the child;
- Provide a continuum of care, education and services for the child; and
- Promote and strengthen partnerships with families and the community

In addition, the program has 11 centers and serves 400 children throughout Palau. There are:

- 23 classrooms,
- 23 teachers,
- 23 assistant teachers,
- 12 cooks,
- 9 bus drivers,
- 4 bus monitors,
- 4 service area managers,
- 4 service coordinators,
- 8 family service workers,
- 4 center coordinators,
- 3 data technicians and 3 assistants,
- clerks and maintenance and
- 1 program director.

13. The Head Start Program is funded through Department of Health and Human Services (DHHS), Administration of Children and Families (ACF), Office of Head Start (OHS), Region IX and receive annual budget of $1.4 million. The grant is for the whole operation of the current program as illustrated in ANNEX 1.

14. Because we receive federal funds to operate, the program has to provide 20% matching cost of the total cost of federal funds received. These costs can be accrued through collection of volunteer services hours, donated supplies and food, cash, and space for using donated facilities and leases. See attached budget allocation in ANNEX 1 (A).

Child protection measures

15. The Victims of Crime Act provides for potential compensation and short term care for victims/survivors, but is otherwise silent to the rehabilitation and protection of child victims/survivors of abuse, neglect and exploitation.

16. Protection against child abuse and neglect is provided under the child abuse statute PNC Title 21 "Domestic Relations" under the "Child Abuse" section 601-606. Child sexual abuse may also be punished under other statutes with some carrying higher penalties Title

17 "Crime" §2002 and §2003. In addition, all forms of violence against children (physical, sexual, emotional, neglect) are clearly defined and strictly prohibited by law.

17. A Family Protection Act has been enacted to establish the framework for the provision of child and family protection services that:

- Establish clear procedures and accountabilities for reporting, assessing and intervening in cases of children at risk and children who have experienced violence, abuse, neglect or exploitation.
- Makes it mandatory for all persons to report suspected children who are at risk, and protects them from liability for doing so. Professionals working with children (health professionals, teachers, child care, workers, etc.) specifically relieved from confidentiality obligations.
- Requires the best interests of the child be the paramount consideration in any decision affecting the child. "nd the Constitution guarantees this as well as the specific welfare/Child Protection legislation.

18. The Ministry of Education has effectively prohibited corporal punishment by adhering to an old Trust Territory Administration policy. In addition, the work for VOCA has put much restriction in the minds of parents on physical discipline-perhaps too extreme some parents claim.

19. Work is underway at the Office of the Attorney General to review and revise some of the procedures and protocols regarding Child Protection and it is hoped that the whole range of issues dealing with rehabilitation will be addressed in the process. See trainings and human resources data in ANNEX 1(B).

II. Definition of the child

20. Article I, Section 105 of Title 21 of the Palau National Code ("PNC") entitled "Age of majority" states that "All persons, whether male or female, residing in the Republic, who shall have attained the age of 18 years shall be regarded as of legal age and their period of minority to have ceased."

21. For purposes of the "Anti-People Smuggling and Trafficking Act", 17 PNC section 3901(a) 'Child' means a person who is less than 18 years of age."

22. Article IV, Section 5 of the Palau Constitution states: "Every person shall be equal under the law and shall be entitled to equal protection. The government shall take no action to discriminate against any person on the basis of sex, race, place of origin, language, religion or belief, social status or clan affiliation except for the preferential treatment of citizens, for the protection of minors, elderly, indigent, physically or mentally handicapped, and other similar groups, and in matters concerning intestate succession and domestic relations. No person shall be treated unfairly in legislative or executive investigations."

23. Article IV, Section 11 of the Palau Constitution states: "Slavery or involuntary servitude is prohibited except to punish crime. The government shall protect children from exploitation."

24. Article IV, Section 13 of the Palau Constitution states: "The government shall provide for marital and related parental rights, privileges and responsibilities on the basis of equality between men and women, mutual consent and cooperation. All marriages contracted within the Republic of Palau shall be between a man and a woman. Parents or individuals acting in the capacity of parents shall be legally responsible for the support and

for the unlawful conduct of their minor children as prescribed by law." See Annex 2 for Legal Minimum Age Table.

III. Guiding principles

25. The best interest of the child is recognized under the various relevant laws, including the Constitution — the supreme law of the land. Relevant provisions are as follows:

- *Article IV.5* —"Every person shall be equal under the law... The government shall take no action to discriminate against a person on the basis of sex, race, place of origin, language, religion, social status or clan affiliation except for the preferential treatment of citizens, and for the protection of (specified vulnerable groups, one of which is children)";
- *PNC Title 4* forbids discrimination on the basis of sex (same as in the Constitution). *PNC Title 4* and the Constitution prohibit discrimination on the basis of disability;
- *PNC 17.201* recognizes a child's right to life from conception;
- The 'best interests of the child' are recognized in *PNC 21.302* (includes the child in case of annulment, divorce, child custody."); for adoption (*PNC21.401-409*); the disposition of the 'delinquent child' (*PNC34.6107*); in respect to clan elder decisions regarding child (*PNC Title 21.103*);
- *Article 4.13* of the Constitution states that "parents or individuals acting in the capacity of parents" shall be legally responsible for the support and for the unlawful conduct of their minor children as prescribed by law. *PNC 21.6* is specific regarding child support;
- In *PNC 34.61.31-32*, should the court rule that a child is a 'delinquent child' and the parent or guardian has contributed to the delinquency by failure 'to subject the child to reasonable parental control', the parent or guardian may be subjected to a fine; and
- Registration and right to a name is specified under *PNC 34.40*.

26. The necessary powers and discretions for effective Child Protection intervention measures only exist partially in law. These could be strengthened and supported through clarifications of definitions, criteria and processes at both policy and legislative level. Interagency cooperation is weak and needs to be well established and supported with protocols and directives.

27. PNC Title 1.303 states that common law acceptable in the U.S. can be applied in rules of decision by Palau courts except that "no person shall be criminally prosecuted except under the written law of Palau or recognized local customary law not in conflict with the written laws." The AG for Palau has stated that 'given that the Palau National Code makes no reference to the legal authority of International Conventions, the CRC may not be directly invoked before the courts unless the relevant article(s) of the CRC have first been enacted into the Palau Code by act of the OEK Legislation needs to be enacted to provide comprehensive protection of children by implementing the CRC. However, with respect to articles of the CRC that are not enacted into the national code, the CRC can be used to provide interpretive guidance.

28. There is a lack of awareness of inter-agency, departmental and inter-departmental arrangements regarding protocols and regulations on handling and referring Child Protection matters — their content, access to copies, and lack of enforcement by supervisors. There is also some confusion as to their continued application.

29. In addition, the strengthening of the legal framework for Child Protection could be achieved through:

- Passage of a comprehensive legislation which addresses and implements all the provisions of the CRC;
- The creation of a national Child Protection coordinating body;
- Revision, where necessary, of existing policies and protocols; and
- The creation of supporting policies and protocols, including MOUs and MOAs, in and between the relevant government service providers.

30. The Juveniles Act should be reviewed in line with the CRC. A number of interagency arrangements could be put in place to guide the handling of Child Protection issues, such as:

- Protocol between the Police and the Division of Behavioral Health regarding protective services for children and young people.
- Protocol between the Police and the Ministry of Health regarding the provision of medical services.

31. Some censorship provisions exist but do not specifically address the needs of children audiences and are scattered throughout various pieces of legislation. Article 4.4 of the Constitution grants to every person the 'right to be secure in his person, house, papers and effects against entry, search and seizure'. Privacy is further protected by requirements for adherence to due process of law under the Constitution and the law (PNC Titles 4 and and17). There is no clear education policy on pubertal change education or legal rights/human rights education. The law is silent on internet regulation.

Right to life, survival and development

32. Article IV, Section 6 of the Palau Constitution states: "The government shall take no action to deprive any person of life, liberty, or property without due process of law ..."

33. 17 PNC section 201 entitled "Abortion" states: "Every person who shall unlawfully cause the miscarriage or premature delivery of a woman, with the intent to do so, shall be guilty of abortion and upon conviction thereof shall be imprisoned for a period of not more than five years."

34. Article IV, Section 10 of the Palau Constitution states: "Torture, cruel, inhumane or degrading treatment or punishment, and excessive fines are prohibited."

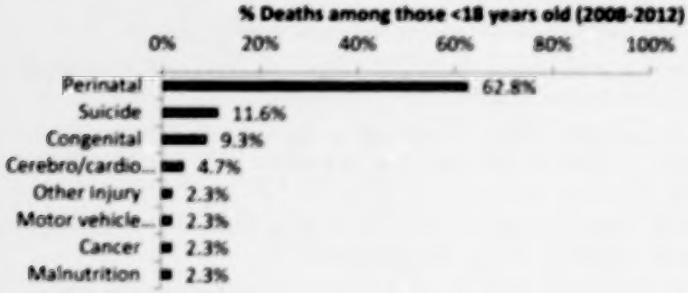
35. 17 PNC § 101 entitled "Classification of crimes" states that "A felony is a crime or offense which may be punishable by imprisonment for a period of more than one year. Every other crime is a misdemeanour." The most serious form of punishment is imprisonment.

36. HIV/AIDS strategies include: (1) education and outreach that promotes abstinence as the preferred preventive strategy or "safe sex" as an alternative; (2) screening of prenatal patients, blood donors, STD clinic patients, and others upon request; (3) provision of comprehensive treatment services including HAART (highly active antiretroviral therapy) made possible through U.S. Federal program support.

37. The increased emphasis on abstinence as the preferred method of prevention, as opposed to an earlier focus on "safe sex," is driven by U.S. Federal funding program requirements and informed by the Youth Risk Behaviour Surveys. In these surveys, the Ministry of Health has uncovered a correlation between early sexual behaviour, depressive symptoms, and suicide ideation among teenagers, especially teenage girls.

38. There is new legislation that makes it a criminal act for an HIV/AIDS positive person to knowingly infect other persons. HIV/AIDS programs have not changed significantly in recent years with the exception of an increasing emphasis on abstinence education and promotion especially for youth.

39.



40.

Under 18 Mortality due to suicide

	2008	*2009*	*2010*	*2011*	*2012*	*2008-2012 Average*
Suicides	2	1	0	0	2	
Total Deaths<18	8	14	7	6	7	
% of <18 mortality	25.0%	7.1%	0.0%	0.0%	28.6%	12.1%

Source: Vital Stats

Respect for the views of the child

41. Executive Order (EO) No. 267 issued by President Johnson Toribiong on August 19, 2009 organized and restructured the Ministry of Community and Cultural Affairs (MCCA). EO 267 established the Bureau of Youth, Sports and Recreation (BYS&R) that shall be responsible for overseeing the development and implementation of remedial programs; for developing, formulating, identifying and establishing short-term and long-term goals, objectives and guidelines concerning the youth, recreation activities and programs; and for formulating programs and activities that promote youth development and traditional values.

42. PNYC (Palau National Youth Congress), a non-profit non-government office has been in existence since the early 90s, had been stagnating and inactive for the last several years. In early 2013, BYS&R partnered with the sixteen states of the Republic to reactivate the PNYC. Fortunately, PNYC was reactivated and its constitution and by-laws were updated and new officers and representatives were selected and was renamed the Palau National Youth Council.

43. Today, the Palau National Youth Congress is being housed in the Ministry of Community and Cultural Affairs and has a staff managing the office and coordinating with PNYC Officers and Representatives in organizing youth activities. Through its partnership with MCCA and other government agencies that provide monetary assistance, PNYC has become a dynamic force in organizing activities for the youths. PNYC is composed of youth representatives from the sixteen states of the Republic and seven representatives of the six high schools and one college in Palau.

44. PNYC collaborates and works closely with the youth's association/organization of the sixteen states. The State representatives to PNYC are appointed by the Governors of their respective States. See ANNEX 3 and 3(A) for list of youth organizations Schools with independent student councils.

45. There is one public high school in the Republic of Palau - Palau High School, and five private high schools. Student Body Associations with each grade level having their own council being represented exist in all the schools in Palau listed as follows: Palau High School; Mindszenty High School; Palau Mission Academy; Emmaus High School; Bethania High School; Belau Modekngei School; and Palau Community College. See attached Annex 3 (C) for list of primary, secondary and tertiary schools in Palau.

46. In spite of the low number of student councils reported in both public and private primary schools, each school does value the views of its students by instituting a Parent-Teacher-Student Association (PTSA) to assist in school related matters. Elementary Schools in Palau do not have independent student councils.

47. Student Body Associations with each grade level having their own council being represented exist in all the schools in Palau listed as follows: See attached in Annex 3 (C).

IV. Civil rights and freedoms

Birth registration

48. The minimum requirements for free and compulsory birth registration are in place. The restrictive aspects of the Constitution do not impact significantly on the child's right to birth registration.

49. The law requires that every birth in Palau be registered within one week of delivery. A name for the child is required at the time of registration as per Palau National Code (PNC 34.40). For many years now, every birth in Palau has taken place within the health system. Compliance with the birth registration law is, therefore, close to 100%. Due to restriction under Palauan law to nationality, land ownership and other rights to person of non-Palauan descent and/or citizenship, parental information is of great importance since the information recorded in birth registration is the most common means for a person to establish rights as a citizen and as a member of his or her respective clan(s).

Access to appropriate information

50. The Palau Constitution and law protect the freedom of the press (Constitution Article 4 and PNC Title 4). For a small, geographically isolated community, Palau is well served by the media. Palau has the following bi-weekly newspapers, Tia Belau and Island Times which features local news. In addition, there are two local television stations which broadcasts live news to the people of Palau.

51. Palau has four radio stations, one government and three private, both of which feature world and local news, public information, and entertainment. Cable television is available which broadcasts on a fee-for-service basis across 71 channels to bring news (CNN), sports, education (Discovery Channel), and entertainment. Three channels are designated for local broadcasting featuring a combination of political (e.g. Congress debates), entertainment, health issues and public information both locally and from the Pacific Region.

52. Internet is widely accessible in Palau. WI-FI Hotspots have proven very popular and currently there are over 65 public locations with wireless high-speed access. School

children have access to the Internet at their own respective school that allow them to access different web resources and databases that are important for their learning.

53. Under the Ministry of Education (MOE), Palau has fourteen public elementary schools library, serving first through eight graders and one public high school that is served by the Palau Public Library (PPL) which is located across the street from Palau High School (PHS). Each of the school libraries including the public library is connected to the Palau Union Catalogue (PUC). This online catalogue allows children to look up for children literatures that are available in each library.

54. Majority of the school librarians have earned their Library Science (LS) A.A. degree from Palau Community College (PCC); a master degree holding currently working at MOE and one working toward her Bachelor of Science degree in Library Science. Most of the librarians are working at their respective library and are highly skilled in working with children. The MOE and other NGOs, such as Palau Association of Libraries are actively promoting library programs including read aloud, book talk, readers advisory, literacy skills that help promote lifelong learning.

55. In addition to the printed collection available in school libraries, students from grade 4 through 8 are provided with hand-held device such as tablet or IPAD to access e-books and interactive educational games. Palau Community College (PCC) Library serve as a community library, open for the public from Monday thru Saturday. The PCC Library has extensive collection of teens and children books that are housed in a separate room to serve that particular group.

56. In August 2012, a bookmobile was purchased to serve as an interlibrary loan liaison between libraries throughout Palau. In addition, it provides students the opportunity to apply library cards from Palau Community College Library and Palau Public Library and allow students to check out books that may not be available in their respective libraries.

57. The Palau bookmobile materials collection includes books and educational materials as well as a collection of reference books, titles that the school libraries and public library cannot loan out, that will be invaluable for the bookmobile in aiding school libraries in research and instruction. Additional new fiction and non-fiction materials have been added to the collection for children and young adult. See Annex 4 for List of Libraries in Palau.

58. The Palau Public Library under the Ministry of Education strives to provide materials and services for community residents of all ages for professional and personal development, enjoyment, and educational needs. Serves as a gateway for lifelong learning and easy access to a wide range of information resources to ensure the residents of Palau will be successful, literate, and resourceful in the Palauan society and world. Currently the Public Library has the following ongoing programs from grade K – 12 grades: Palau Bookmobile Outreach Program; American Desk for Young Adult; Read Aloud Program for children; Storytelling Program for Children and Young Adult; Assist Youth in Accessing Both Print and online Resources; Provide Internet and Technology for Children and Young Adult.

59. Challenges the Ministry of Education faces with the Public Library are:

- Need to update printed resources
- Need faster Internet connection to access reliable databases
- More library space to accommodate different library programs
- Allocate separate library budget

Torture or other cruel inhuman or degrading treatment or punishment

60. Article IV, section 10 of the Palau Constitution states "Torture, cruel, inhumane, or degrading treatment or punishment and excessive fines are prohibited."

61. There is no definition of "torture" in the laws of Palau. Therefore, most crimes committed against children usually falls under "abuse" or "sexual abuse" where both definitions are found in PNC Title 21 entitled "Domestic Relations." Definition of abuse is found in PNC 21 section 602: (a) "Abuse" means any willful or negligent act or punishment which results in harm or threat of harm to the physical or mental health of a child which leads to consequences including, but not limited to, death, fractures, burns, bleeding, disfigurement, severe bruises, severe psychological or emotional trauma, or illness not explainable on the basis of a disorder or natural occurrence. Definition of sexual abuse is found in PNC 21 Section 603: (f) "Sexual Abuse" means any willful or negligent sexually related activity for the purpose of sexual gratification, pleasure, or profit by any person, with any minor under the age of eighteen (18) who is not the spouse of the perpetrator including, but not limited to: sexual intercourse, sodomy, masturbation, cunnilingus, fellatio, and fondling.

62. 17 PNC § 106 entitled "Presumption as to responsibility of children" states: "Children under the age of 10 years are conclusively presumed to be incapable of committing any crime. Children between the ages of 10 and 14 years are also conclusively presumed to be incapable of committing any crime, except the crimes of murder and rape, in which case the presumption is rebuttable. The provisions of this section, however, shall not prevent proceedings against and the disciplining of any person under 18 years of age as a delinquent child."

63. Pending legislation revising Title 17 of the Palau National Code (House Bill No. 9-20-2) has a section (Division One, Chapter 6) entitled "Disposition of Convicted Defendants" that limits the type of sentences available to probation, fine, imprisonment, community service.

Corporal Punishment, Mobbing and Bullying

64. In both public and private primary and secondary schools including all school partners — parents, teachers, staff, principals and students share the responsibility for creating and supporting a positive school environment. Therefore, the responsibility for discipline lies with all school partners. The aim of discipline is to correct habitual misconduct and to ensure that it does not happen again. Discipline must bring about positive change in students' behaviour. Therefore, every school personnel is expected to discipline students with respect and civility. Any form of corporal punishment is prohibited because it does more harm than good and it is prohibited by law. In a five-year span, there has been no reported case of corporal punishment.

65. The Ministry of Education has effectively prohibited corporal punishment by adhering to an old Trust Territory Administration policy. In addition, the work for VOCA has put much restriction in the minds of parents on physical discipline.

66. Although only two public schools of both private and public schools have a violence prevention program, each school rely on school policies and the advice of its Parent-Teacher-Student Association (PTSA) in matters that involve institutional violence.

67. In addition, all police officers of the Bureau of Public Safety, Ministry of Justice, must attend and complete a 13 month police academy before they are full pledged police officers. The Police Academy is held at least once every two years and the in-service trainings are held monthly. In the academy curriculum as well as in other in service training our rules and regulations mandates the training and adherence to good governance on the

duty of care of persons in custody, prevention of excessive force, treating all persons with dignity and respect.

68. The Penal Code, 17 PNC § 310, regulates the use of force against children and other persons under care or control of another. This provision limits physical discipline of children, prisoners and others under care or control.

69. The Ministry of Education School Handbook 2010, provides policies, rules, regulations and guidelines for students, teachers and non-teaching school personnel in the public school system. The handbook states, "Corporal punishment is not allowed in the public school system. Teachers and staff are reminded that corporal punishment ... will constitute a cause for suspension or termination of employment."

V. Family environment and alternative care

Family support

70. Palau Head Start Program provides comprehensive services that include Health (Medical, Nutrition, Dental and Mental Health), Education, Disability, Family/Community Partnership and Facility & Transportation to children ages 3-5 years old and their families regardless of their ethnicity, nationality, gender and religion. Program has 11 centers and serves 400 children throughout Palau. There are 23 classrooms, 23 Teachers, 23 Assistant Teachers, 12 Cooks, 9 Bus Drivers, 4 Bus Monitors, 4 Service Area Managers, 4 Service Coordinators, 8 Family Service Workers, 4 Center Coordinators, 3 Data Technicians and 3 Assistants, Clerks and Maintenance and 1 Program Director.

Children without parental care

71. In many respects the existing legal provisions, particularly family law and custody arrangements, are very strong. Adoption takes three forms in Palau (1) tradition/customary, usually takes place within families or between kin and later may be formalized through the court where court usually agrees with the customary adoption process. If the child is over 12 years at the time of adoption, he/she may consent to the adoption (PNC Title 21[401-409]) (2) Adoption, initiated through legal process of Palauan citizens; (3) Adoption of non-Palauan citizen, i.e., whose parents are both of non-Palauan descent.

72. The issue is a constitutional one where Palau's constitution does not allow anyone without Palauan descent to be a citizen (Article 3 § 4). Palauan law clearly allocated responsibility for the care and control of a child to his/her parents or to other persons having custody of the child. PNC 34.61.31-32 holds the parent of a convicted "delinquent child" responsible for a fine if the court thinks the parents had contributed to the delinquency by failure to exert 'reasonable parental control.'

73. There are no provisions under the law for a child when forcibly removed by the government from his/her parents of family, although a person (including a parent) accused of child abuse or neglect will be ordered to have no contact with that child until the case is resolved (PNC Title 21.601-606).

74. There has been movement to amend the Constitution so as to bring the adoption laws in Palau in conformity with international law by granting citizenship to non-Palauan children adopted by Palauan families. Under the Palauan custom, the child has primary membership in his/her maternal clan which bears the main responsibility rearing the child (except under certain types of adoption in which these responsibilities are explicitly transferred to the paternal clan). There is opportunity to strengthen the customary and extended care of the child by safeguarding against undue threats from outside, including economic issues and other social consideration.

Children separated from their parents as a result of court decisions

75. There are no provisions under the law for a child to be forcibly removed by the government from his/her parents or family although a person (including a parent) accused of child abuse, sexual abuse or neglect will be ordered to have no contact with that child until the case is resolved. A person, including parent, convicted of child abuse or neglect can be sentenced to a prison term up to five years, thereby forcibly removing the parent from the Child.

76. PNC Title 21 entitled "Domestic Relations" section 607 states: (a) Every person who shall abuse or neglect a child shall be guilty of a felony and upon conviction shall be fined not less than one thousand dollars ($1,000), or imprisoned for not more than five (5) years in prison, or both. (b) Any person who is found guilty of sexual abuse shall be fined not less than five thousand dollars ($5,000) and not more than fifty thousand dollars ($50,000), fifty percent (50%) of which shall be awarded to the victim or guardian or next-of-kin, and/ or imprisoned for six (6) months to twenty-five (25) years, or both, with the sentence and fine to be determined by the court based on the totality of circumstances. (c) The name and address of convicted sexual abuse/offense violators shall be published by the Attorney General's Office, not less than forty-eight (48) hours after release from custody of the Bureau of Public Safety if the offender is in full-time custody, or not less than forty-eight (48) hours [after] conviction if the offender is in part-time custody or may otherwise interact with the public, as in a work release or other program.

77. There are no systems in place in Palau or institutions to accommodate child victims of neglect, abuse or sexual abuse. In the event that a child needs to be separated by his/her parents, extended family of that child is expected to provide for the child until his/her case is resolved. However, extended families are now refusing to take in the child victims and they are left in the care of the Program Manager of the Victims of Crime Assistance Program. Currently, a way to provide for the child during the 1st month is to admitting the child at the hospital as a patient however, once the child is cleared from the hospital, VOCA takes it upon them to look for alternate ways to provide for the child victims.

78. There are no foster homes in Palau to house child victims of neglect, abuse or sexual abuse. In the event that a child needs to be separated by his/her parents, it is common for the child to be absorbed into the household of another maternal relative or extended families. However, there are cases now where maternal relatives and extended families are refusing to take in the child victims and they are left in the care of the Program Manager of the Victims of Crime Assistance Program. There is a need for Palau to establish a foster home to accommodate these cases but due to lack of funds, there are no foster homes or system in place. With the increase of foreign nationals residing in Palau with no extended families, no cases of foreign children has been reported to the authorities. Thus, Palau needs to prepare itself in the event such a case is reported.

Family reunification

79. From 2009 to 2014 a total of 16 criminal cases were filed by the Office of the Attorney General against suspects who committed child abuse and child sexual abuse. The trial court dismissed four of these cases. The remaining twelve cases were either plead out or went to trial and defendant was found guilty. The average sentences included: 1.) 5 years to 20 years of imprisonment 2.) The defendant was ordered to seek psychiatric evaluation 3.) They were further ordered not to have any contact with victims and their family. Of the 16 defendants, one was a foreign national.

80. All the cases reported to the Victims of Crime Assistance office are brought to the Office of the Attorney General once a complete investigation confirms that a child has been abused or neglected. The Victims of Crime Assistance program under the Ministry of

Health provides assistance to children who are sexually and physically abused and/or are left without parental care.

81. From 2009-2014 only one juvenile received special care in terms of recovery because his family were willing to seek assistance outside the judiciary system. There are no recovery programs or services in Palau. This makes it up to the family to take care of their children after a child returns home after an offence. Usually, these children are left unattended even when they return home which allows them to return back to their bad behaviours.

82. In addition, 97 juveniles have been found guilty of an offence by the court and has had their sentences suspended or received other punishment. Further, 8 juveniles received other sanctions because they showed remorse of what they did and pleaded the court.

83. The chart below shows the number of juveniles that participated in the probation programmes.

Year	*# of juveniles on probation*
2009	91
2010	56
2011	19
2012	39
2013	43
2014	29

VI. Disability, basic health and welfare

Children with disabilities

84. The First National Convention on Disability in 2001 showed that there were approximately 325 Palauan citizens who were determined to have some sort of disabilities that prevented them from full employment. For this reason, Palau Leadership proposed a legislation to establish a Palau Severely Disabled Funds Program to provide assistance to our special citizens. Therefore, RPPL 6-26 was signed into law on September 27, 2002. RPPL 6-26 appointed the Ministry of Community and Cultural Affairs to administer the Palau Severely Disabled Funds through its Bureau of Community Services, today, that Bureau is now the Bureau of Youth, Sports and Recreation and continues to administer the disabled funds.

85. Those who were determined to be homebound and needing 24 hour care were eligible to a monthly stipend of $50 and those determined to be wheelchair bound and/or blind were eligible to receive a $30, today, those amounts have changed so those who were receiving $50 are now receiving $70 and those who were receiving $30 are now receiving $50.00. Eligibility criteria to receive these assistances are; person with disability must be homebound, wheelchair and blind. A committee appointed by the President of the Republic of Palau is delegate the responsibility to screen applicants, do home visits and provide annual report to the National Congress and the President's Office. For FY 2014, the National Congress appropriated $225,000.00 to the Palau Severely Disabled Funds Program. The program continues to receive and process applicants. See attached Annex 5 for number of recipients of the Disability Fund program; programs for children with disabilities; definition of disability categories & types of disabilities in Palau.

86. Children with disabilities have the right for free and appropriate public education as stipulated in the Individuals with Disabilities Education Act (IDEA) 2004 and the RPPL 3-9 August 1989. At age 16, a youth with disability obtains the right to make decisions regarding special education services the youth may need in education. Data of children with disabilities is shared between programmes and agencies for in-depth studies and follow up activities to ensure development and delivery of appropriate services needed by an individual child with disability. There are currently 106 students receiving special education services. Amongst these, 77 are classified as students with specific learning disabilities.

87. Laws and policies are in place for rights of children with disabilities in Education but it does not reflect on what goes on in schools most of the time. A well-defined and structured process between agencies for better collaboration and on-going support to children with disabilities and their families is needed.

88. The Special Education Program work with other partner agencies such as Public Health, Palau Parent Empowered, Head Start Program and other government and non-government programs to support/assist parents in need regarding better education and well-being of their children with disabilities.

89. Children with disabilities have the right for free appropriate public education as stipulated in the Individuals with Disabilities Education Act (IDEA) 2004 and the RPPL 3-9 August 1989. In the MOE, a special education programme is in charge of the education of children and youth with disabilities ages 3-21 years in both public and private schools- or programmes. Each school programmes have different teams or committees that provide intervention, identify, refer, evaluate and develop plans for a student who might need special education and related services. School or programme child study team is made up of the principal, the general education teachers and the parents of persons with disabilities. The team identify and provide intervention or referral to special education. There are a total of 7 children with disabilities in the Head Start Programme (3-5 year olds), 61 in public elementary, 35 in Palau High School and 3 in other private high schools.

90. Both the IDEA and the RPPL 3-9 mandates that schools and materials are accessible and that individualized reasonable accommodation and support required by students with disabilities is provided to ensure effective education and full inclusion.

91. Availability of specific skills training for services for children with disabilities or teachers-related service providers is an on-going capacity building to improve special education services. The on-going specific skills training and professional development for staff and students and parents is mandated by law and assured by the US federal grant procedures. All these are reported annually for compliance and improvement of performance status of students with disabilities. See attached Annex 5 (A) for disability category in Palau.

Health and health services

92. The current Infant Mortality Rate in Palau is 20.1 deaths per 1000 live births annually (2008-2012 average). The current Under 5 Mortality Rate in Palau is 21.6 deaths per 1000 live births annually (2008-2012 average). See attached Annex 5 (B) for Rates of infant and under-five child mortality; Proportion of children with low birth weight and Childhood weight classifications.

93. 20% of youths in Palau have considered suicide; 22% have planned their suicide; 18% have attempted suicide; and 6% have hurt themselves due to suicide attempts (see Annex 5 (F), attachment. All suicide indicators were higher among female youths in Palau vs. male youths in Palau. Overall, 11.6% of deaths in children <18 years old are caused by

suicide (2008-2012 average). See attached Annex 5 (C) for Rates of child mortality caused by suicide.

94. According to a study done by the epidemiologist based at the Ministry of Health , in 2012, 59% of children 2 years old and younger were determined to be fully immunized (4 DTP/Dtap, 3 IPV, 1 MMR, 2 Hib, 3 Hep B, 4 PCV, 2 RV) upon comprehensive chart review.

95. The maternal mortality rate in Palau is 74.8 deaths per 100,000 live births annually (2008-2012 average). The main cause of maternal mortality in Palau is HELLP syndrome.

96. All women in Palau have access to prenatal and post-natal healthcare. Approximately 7.8% of women in Palau receive no prenatal care prior to delivery (2008-2012 average).

97. The Ministry of Health provides free prenatal and postnatal services to women. These services are provided by the Bureau of Public Health at the Community Health Center. See attached Annex 5 (D) for services provided to pregnant women in Palau.

98. Fortunately, there are no children in Palau infected with, or affected by, HIV/AIDS.

99. Teenage Pregnancy: In Palau, 8.7% of all births are to teenage mothers. Approximately 2.6% of teenage girls become pregnant annually.

100. The Bureau of Public Health under the Ministry of Health runs a program called Palau HIV/AIDS & STI program under the Communicable Disease Unit in the Division of Primary & Preventive Health. This program is funded through the United States Federal Grants called the International Grants — Global Fund. A report called the "Minimum Data Set" from 2013 and 2014 which is a collection of lab based data that is collected monthly showing the numbers of children with STD's in Palau. See attached Annex 5 (E) for STI or STD Counts.

101. Mental health is a serious problem in Palau, especially among youth. The suicide rate in Palau is among one of the highest in the world (21.7 suicides per 100,000 people annually). See attached Annex 5 (F) for Mental Health Indicator and Drug & Alcohol habit.

102. Tobacco and alcohol are significant issues among adolescents in Palau. The majority of high school teens in Palau either smoke cigarettes or chew tobacco. Additionally, over three-quarters of teens who drink, binge drink.

103. Annually, the Ministry of Health, Family Health Unit conducts School Health Screening for Children and Adolescents. Head Start Program also conducts regular screening for atypical behavior for children. Referrals to the Ministry of Health, Behavioral Health Division are conducted for Children and Adolescents with substance use related disorders (Alcohol, Tobacco and Illicit Drugs), severe emotional disturnances and behavioral problems. The Community Guidance Center conducts Alcohol and Tobacco Screening and Treatment Services as well as Life Skills Program. For further in depth Clinical evaluations and treatment, the child or adolescent is referred to the Out Patient Clinic for medication and monitoring. Succeeding referral with the Child Social Worker is done for collaboration with school, home and community. For children and adolescents in distant states, outreach activities are conducted regularly for screening, brief intervention and referral to treatment.

104. The Prevention Unit of the Behavioral Health conducts awareness activities which involve school related activities screenings and education in addressing behavior and substance use related disorders. This program also falls under the Ministry of Health.

105. The Victims of Crime Act provides for potential compensation and short term care for victims/survivors, but is otherwise silent in relation to the rehabilitation and protection

of child victims/survivors of abuse, neglect and exploitation. Data on the number of child victims of drugs or other substance abuse were not available during the production of this report.

VII. Education, leisure and cultural activities

106. In Article VI of the Constitution of the Republic of Palau under Responsibilities of the National Government, states, "the national government shall take positive action to attain these national objectives and implement these national policies: conservation of a beautiful, healthful and resourceful natural environment; promotion of the national economy; protection of the safety and security of persons and property; promotion of the health and social welfare of the citizens through the provision of free or subsidized health care; and provision of public education for citizens which shall be free and compulsory as prescribed by law." This applies to all children living in Palau regardless to their nationality. See attached Annex 6 for Literacy rates of children; Gross and net enrolment rate and number of teachers teaching in schools.

107. Talent Search Program: The Talent Search program is one of the four branches of the TRIO Program, a US Department of Education Program, hosted by Palau Community College since SY 2002-2016. Their mission is to increase the number of youth from disadvantaged background to complete high school, and to complete a program of post-secondary education institution of their choice. The program seeks to meet the learning needs of eligible students from the sixth through the twelfth grade, so that they can succeed in achieving a high school diploma and continue on to attain post-secondary education. The goal of the program is to assist 500 eligible students per year toward graduation in high school and to complete a post-secondary education. They offer after school programs to help at-risk students improve their skills in the subjects of math and science. See attached Annex 6 (A) for after school Talent Search Tutoring Program in Palau.

108. Upward Bound Program: Upward Bound provides fundamental support to participants in their preparation for college entrance. The program provides opportunities for participants to succeed in their precollege performance and ultimately in their higher education pursuits. Upward Bound serves high school students from low-income families, and high school students from families in which neither parent holds a bachelor's degree. The goal of Upward Bound is to increase the rate at which participants complete secondary education and enrol in and graduate from institutions of postsecondary education. Upward Bound's mission is to provide fundamental support and opportunities for participants to succeed in their precollege performance and ultimately in their higher education pursuits. Upward Bound projects provide academic instruction in mathematics, laboratory sciences, composition, literature, and foreign languages. Tutoring, counselling, mentoring, cultural enrichment, work-study programs, education or counselling services designed to improve the financial and economic literacy of students. See attached Annex 6 (B) for Summer Kids Program offered by Palau Community College — Continuing Education Office.

109. Most of the playgrounds in the community originated around schools; as part of the school curriculum to promote physical health through sports activities. Traditionally, Palauan society did not promote playgrounds as children were assigned tasks and home chores. Children were taught and raised to come home right after school. In fact, they were disciplined if they came home late. The school system introduces and promotes physical activities to enhance the lives of the children and to allow children to be children in organized activities. Through school activities that promotes competitions; playgrounds and other related settings began to sprout everywhere to provide an avenue, a place for kids and children to explore their potentials and to engage in friendly sports activities which enhance

understanding, acknowledgement and acceptance among children and promote unity and togetherness; another way to deter youth fighting and conflicts.

110. Today, these playgrounds have become the core centre of activities for children to interact, to get to know other children and to learn from each other. See attached Annex 6 (C) for types of playgrounds in Palau; Number/percentage of children participating in organized activities.

VIII. Special protection measures

Children outside their country of origin seeking refugee protection and internally displaced children

111. There are no legal provisions addressing the protection and wellbeing of child refugees or asylum seekers. This is partly reflective of the fact that this is not considered to be an issue of practical significance in Palau.

112. Palau is a relatively young nation and has not developed any system to address the issue of refugees. In three known cases with unknown circumstances involving adult refugees, Palau declined to receive refugees from Afghanistan, did somehow allow some refugees from Myanmar and accepted Uyghur prisoners from Guantanamo.

113. Immigrant children who enter Palau are allowed as they accompany their parents who are migrant workers.

114. Refugee children's protection needs should be addressed when the legislation to implement CRC is entertained or through revision of existing legislation, whichever comes first.

Children in armed conflicts including physical and psychological recovery and social reintegration

115. Palau is not involved, as a nation, in armed conflict and has no armed forces. If Palau's security is threatened, defence is the responsibility of the United States of America, under the terms of the Compact of Free Association. Palauans are eligible to volunteer to serve in the US Armed Forces and many do. The minimum requirement for enlistment is 18 years of age and high school graduation.

Economic exploitation of children, including child labour

116. Only two labour laws specifically make reference to children:

1. *PNC IIIII. 07* entitled *"Admiralty and Maritime"* on *§ 505* under the *Minimum Age for Employment* states that under 16 years of age, cannot work on foreign trading vessel, except if operated by a single family.

(a) Children under the age of 16 years shall not be employed on Republic vessels engaged in foreign trade, except on vessels on which only members of the same family are employed, school-ships, or training ships;

(b) The master shall keep a register of all persons under the age of 16 years employed on board his vessel, as required by regulations.

2. *PNC IIIII. 11* entitled *"Business and Business Regulations"* on *§ 1004 Employment of minors,-* states that, *"A licensee shall not employ any person under the age of 21 years in or about that portion of the premises which is used for the serving and consumption of alcoholic beverages."*

Sexual exploitation, abuse and trafficking

117. The Penal Code has enacted Child Exploitation crimes in 17 PNCA 1801-1808; included therein is Electronic Enticement of Children Section 1807. This criminalizes child pornography and use of the computer to engage in sexual activities and entice children under the age of 18 to meet with predators. Sexual Assault Offenses 17 PNCA Chapter 16 and the Registration of Sex Offenders is found in Chapter 17 of the reformed Penal Code. The Family Protection Act Committee has been active in the education awareness and the implementation of the new law, more people feeling comfortable in reporting sexual assault and domestic violence. There has been an increase in sexual assault cases reported since January 2015. The Bureau of Public Safety in collaboration with the Office of the Attorney General created a sexual offender registry list. Currently there is only 1 on the list and will be increased pending the release of offenders from the prison.

118. The Child Abuse unit within the Ministry of Health is staffed by two persons. This is the same level of staffing that the program has had since its inception in the early 1990's. The unit uses a networking strategy whereby professionals and laypersons from throughout the community are trained to recognize signs of abuse and neglect and to make proper referrals. The Palau Law provides for mandatory reporting of suspected child abuse and neglect cases by teachers, health workers, public safety, and other professionals.

Legislation

- An amendment to the Child Abuse legislation is before the OEK to raise penalties upon conviction
- Framework Legislation on Tobacco is poised for enactment; this is addressed at reducing the exploitation of children and youth by tobacco industry
- Although no new legislation has been enacted, there is increased effort to enforce existing legislation that protects children and youth from abuse and exploitation of alcohol use and advertisements.

119. Both the biennial Youth Risk Behaviour Surveys and the annual School Health Assessments include screening for violence, including child-to-child violence by bullying. The inclusion of these questions into periodic surveillance is relatively recent so it is not yet possible to draw any conclusions about the prevalence of the problem or trends.

120. A new Substance Abuse Strategic Plan for 2007-2011 has been developed by the President's Council on Substance Abuse Prevention. The plan addresses four priorities: alcohol use; tobacco use; marijuana use; and methamphetamine use.

121. The Ministry of Justice operates a restorative justice program in which young offenders involved in non-violent law violations have the options of alternative sentencing including restitution to the victim(s), a public apology, community service, and work with one or more of the traditional leaders in the community from which they are descended. This program has received many positive evaluations.

122. The Ministry of Justice has started a Law Enforcement Explorer's Program (LEEP). The program emphasizes self-discipline and physical training as well as exposure to law enforcement careers.

123. Protection against child abuse and neglect is provided under the Child Abuse Statute PNC IIIII 21, entitled "Domestic Relations" "§ 601 states, "It is the policy of the National Government to provide for the protection of children who are subject to abuse, sexual abuse, or neglect and who, in the absence of appropriate reports concerning their conditions and circumstances, may be further abused, sexually abused or neglected by the conduct of those responsible for their care and protection."

124. Child sexual abuse may also be punished under other statutes with some carrying higher penalties (Title 17.2802 and 2803).

125. The Family Protection Act (2012) - The Family Protection Act, passed in November 2012, is enforced by the Bureau of Public Safety and provides protection to families, including women and children, from all forms of violence. Specifically, the law includes a "no drop" policy, which means that once a victim reports a crime, authorities must follow due process even if the victim drops the charges. A Memorandum of Understanding (MOU) was recently signed between the Ministry of Justice (Bureau of Public Safety), the Ministry of Health, the Ministry of Community and Cultural Affairs, and the Palau Judiciary to ensure that appropriate protocols are in place to support families affected by violence.

126. Physical abuse is still somewhat hard to deal with as many Palauans still believe, to some extent in physical discipline. The Ministry of Education has effectively prohibited corporal punishment by adhering to an old Trust Territory Administration policy. In addition, the work of VOCA has put much restriction in the minds of parents on physical discipline.

127. There is room to improve on the programs of the Ministry of Education and VOCA to eliminate abuse of children in Palau. One high school student stated in an essay, "Parents are not only caregivers, they are living examples, and if a parent is doing nothing but beating their child, pushing them around, or yelling at them constantly, they are doing nothing but destroying their child…one day when that child grows up the only thing that parent sees in him is a reflection of himself as a parent".

128. Palau's Constitution protects children from "all forms of exploitation", but sexual exploitation is not specifically addressed. Child sexual abuse is punishable under certain statutes (Title 17.2802 and 2803), but penalties and age thresholds need to be reviewed. Sexual exploitation is not well addressed and there are indications that they are becoming an important issue for children.

129. Boys are not equally protected as girls and the possibility of female abusers is not recognized in law. The law on sexual assault does not differentiate between sexual assault of an adult and sexual assault of a child, which should be a more serious offence carrying higher penalty.

130. Prosecution and conviction may be hindered by the absence of professionals with expert qualifications acceptable to the court to testify regarding the nature, extent and seriousness of the harm inflicted by the abuser/perpetrator.

131. Protection of the child in Palau is hindered by the absence of statutory provisions authorizing a designated official to intervene on behalf of the child to ensure that the child is removed from the allegedly abusive situation pending the outcome of investigation.

132. There is opportunity to build on the statutory provisions of the Criminal Code to prevent sexual abuse and on the anti- trafficking law to strengthen efforts to prevent sexual exploitation of children. This has become urgent during these economic hard times since economic hardship is one of the risk factors that push children into these activities.

133. Trafficking of persons is a specific offence under Palau's Anti-People Smuggling and Trafficking Act (RPPL 7-5) with a high penalty and related activities are criminalized, but there is no specific reference to trafficking in children as an aggravating factor and no surrounding supporting legislation or guidelines dealing with prevention, prosecution, repatriation and rehabilitation of victims/survivors.

134. There are limited provisions for cooperation between relevant agencies such as Police, Social Welfare and Immigration either in cases of child abduction or in child trafficking matters.

Number of children involved in sexual exploitation, including prostitution, pornography and trafficking

135. From 2009 to 2014 a total of 16 criminal cases were filed by the Office of the Attorney General against suspects who committed child abuse and child sexual abuse. The trial court dismissed four of these cases. The remaining twelve cases were either plead out or went to trial and defendants were found guilty. The average sentences included:

1. 5 yrs to 20 years of imprisonment
2. The defendant were order so seek psychiatric evaluation
3. They were further order not to have any contact with victims and their family.

Of the defendants, one was a foreign national.

The administration of juvenile justice

136. Juveniles Justice Procedures and Public Safety Regulations outline procedures which apply for all persons under 18-years of age. The regulations emphasize that 'juvenile offenders are not intended to be [handled as] criminals in nature and the goal is to guide and rehabilitate rather than to punish. Accordingly, the regulations require that juvenile detainees be accorded special protections including:

- Immediate notification of a parent or guardian;
- Detention in an area away from adult offenders;
- Immediate release into parental custody except when arrested on a serious felony charge;
- Presence of a parent during questioning;
- Withholding of names from the Police blotter.

137. There is a procedural juvenile court as per the Juveniles Justice Act. The legal code directs the courts to adopt flexible procedures for handling juvenile offenders based on the practices used by juvenile courts in the United States. PNC 34.6102 directs that judgment against a child by the court is to take into consideration 'the best interests of the child'.

138. According to the Attorney General, it is the policy of that Office not to seek custodial sentences for juveniles except as a final recourse in the case of serious or repeat offenders. Should the office seek a custodial sentence, every effort is made to minimize the duration of the sentence, keeping in mind the necessity for protecting the public's safety.

139. Where a plea of not guilty is entered into the court usually adjourns the matter to allow the offender to seek legal assistance. The court is required to be closed for children's evidence. Also, it is required for the parent or guardian to be present with the child in order for the court to proceed. There are no written procedures/guidelines for prosecution of children in conflict with the law or guidelines for dealing with child victims and child witnesses. The use of screens and other child-friendly practices is heavily dependent on the individual prosecuting officer and generally child-sensitive measures are not utilized.

140. In accordance with the Prosecutions Manual, and at the direction of the Attorney General, sexual offences against children should be referred to the Office of the Attorney General for prosecution. There are no written procedures for child victims/survivors or witnesses, but it is the practice in the office of the Attorney General to have the evidence of children under 10 heard on camera and to request the use of screens, or CCTV if available, in sexual offences.

141. Juvenile matters are prioritized for services and Legal Aid has an unwritten policy (supported by the Legal Aid Strategic Plan) not to turn away any child applicant. There are

no written guidelines or procedures for dealing with children in conflict with the law. In theory children in conflict with the law are supposed to be taken through a court familiarization process when Legal Aid is involved in their matter. However, children report, participating in the court process without any guidance from their lawyer. There is no legal assistance at point of interview: neither offered nor available

142. Legal Aid lawyers do not consider as their responsibility to refer children in conflict with the law to other services, and knowledge of existing services varies from lawyer to lawyer.

143. Fortunately few children are kept in jail and the Juvenile Justice system works closely with the community. Although there are no separate detention centers for children, great efforts are made to ensure children are kept in detention cells separated from the adult prison population. In addition, from the research there appears to be good and successful efforts in reintegrating a child offender back into the community after serving the detention sentence.

144. Since 2009 to date there has been 98 persons under 18 who have been arrested for an alleged conflict with the law. See attached Annex 7 for Juvenile Statistics.

145. In 2009, the Office of the Attorney General filed 44 cases against juveniles. About 90% of the cases plead out before they were scheduled to go to trial, the defendants received sentence of: 1.) 30 days to 1 year sentences 2.) Order to attend Community Guidance Center Treatment 3.) Further ordered to do an average of 60 hours of community service 4.) to enrol in school and to show prove of attendance. These include 28 cases involving Burglary and Grand Larceny cases, 13 cases involving Assault, Assault and Battery, Assault and Battery with a Dangerous Weapon and Aggravated Assault, 1 case involving Involuntary Manslaughter, and 2 cases of Child Sexual Abuse.

146. In 2010, the office saw sharp decline in crimes being committed by juvenile delinquents. The office only filed 2 cases: one for Obstruction of Justice and the other for Burglary and Grand larceny. Both cases plead out; and juvenile were sentenced as follows:

1. 6 months of probation and 30 days in jail
2. To attend Community Guidance Center Treatment
3. To perform 40 to 80 hours of community service
4. To attend school and to show prove of attendance.

147. In 2011, the Office of the Attorney General filed 40 cases were against juvenile delinquents. Of these case 26 were involving Burglary Grand Larceny, 13 involving Assault, Assault and Battery, Assault and Battery with a Dangerous Weapon, 1 involving possession of Marijuana, 1 involving Child Sexual Abuse and 2 involving Murder in the Second Degree. The average sentencing included:

1. 6 months to 1 year
2. To attend Community Guidance Center Program
3. To perform 60 hours of community service.

148. In 2012, the Office of the Attorney filed 14 cases against juvenile delinquents. Of these cases 4 involved Burglary, Grand Larceny, 6 involving Assault, Assault and Battery , Assault and Battery with a Dangerous Weapon, 3 involving Driving Under the Influence and Minor Consuming Alcohol, and 1 involving Riot and Affray. The juvenile delinquents received sentences including: 1.) 1 yr to 4 1/2 years 2.) to attend Community Guidance Center Treatment 3.) Perform Community Service.

149. For 2013, the Office of the Attorney General filed 14 cases against defendants that were juvenile delinquents. Of the 14 cases, 6 involved Burglary and Grand Larceny, 6 involved Assault, 1 involving Murder in the Second Degree and 1 for escape. Some of the cases are still pending, some have plead out and have received sentence of; 1.) 2 days in jail and 6 months of probation to 8 yrs in jail 2.) Attend Community Guidance Center Treatment and 3.) Perform community service.

150. In 2014, the Office has filed 2 cases against juvenile delinquents. Two of the cases were charged with Attempted 2nd Degree Murder and one for Burglary and Grand Larceny. Both cases are still pending in the Supreme Court of the Republic of Palau, Trial Division.

151. There are currently limited legislative provisions for child-friendly investigative processes and court procedures for child victims/survivors or for young offenders. In general, the necessary discretions exist in law, but are undefined, and unsupported by current policy/protocols/court directions. Provisions governing the recognition of customary reconciliation processes in state law proceedings do not clearly guide nor restrict recognition by the courts of these processes in sentencing mitigation.

152. The Victims of Crime Act provides for potential compensation and short term care for victims/survivors, but is otherwise silent in relation to the rehabilitation and protection of child victims/survivors of abuse, neglect and exploitation. See attached Annex 7 (A) 2014 Juvenile Statistics on Age of Juvenile placed in Custody/Serve and Types of Offenses Reported/Charged on Juvenile Offenders/Violators.

Conclusion

153. Palau continues to strive to align itself to the principles of the Convention on the Rights of the Child. Despite the limited resources, both human and financial, Palau had diligently been able to formulate the aforementioned progresses since its last report, submitted in 1998. Special consideration for the children and their needs has been brought to the forefront, in particular through the creation of the Palau National Youth Council as well as their active inclusion in policy-making decisions.

154. In an effort to empower Palau's youth, H.E. President Tommy E. Remengesau, Jr., has declared 2016, the "Year of the Youth". As Palau prepares for the upcoming year, the youth will have more opportunities to partake in activities ranging from leadership programs, sports development programs and events, job fairs and healthy lifestyles awareness programs and etcetera.

United Nations CRC/C/PLW/Q/2

Convention on the Rights of the Child

Distr.: General
18 July 2017

Original: English
English, French and Spanish only

Committee on the Rights of the Child
Seventy-seventh session
15 January-2 February 2018
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the second periodic report of Palau

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 13 October 2017. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

1. Please inform the Committee whether the State party has taken any measures to carry out a comprehensive review of its laws and policies in order to ensure their compliance with the provisions of the Convention. Please also inform the Committee whether the national courts, including the appellate courts, invoke or refer to the rights contained in the Convention. If so, please provide examples.

2. Please indicate whether the State party is planning to develop and adopt a national strategy or an action plan to implement the provisions of the Convention. Please also inform the Committee which State body is responsible for coordination among various agencies and states with regard to activities in the field of children's rights.

3. In the light of the information provided by the State party in paragraphs 1 to 11 of its report (CRC/C/PLW/2) concerning the allocation of resources, please inform the Committee whether such allocations are accompanied by performance indicators and a tracking system at all levels. Please also provide information on the targeted budgetary allocations for children in marginalized and vulnerable situations, in particular children with disabilities.

4. Please provide information on the measures taken to implement the Committee's previous recommendation to ensure that non-citizen children are afforded equal and adequate access to health, education and social services (see CRC/C/15/Add.149, para. 33). Please also inform the Committee on the measures taken, including legislative measures, to protect children against discrimination on the basis of sexual orientation and gender identity.

5. Please provide information on the measures taken to implement the Committee's previous recommendation to increase awareness of the participatory rights of children and to encourage respect for the views of the child in the family, communities, schools and administrative and judicial processes (see CRC/C/15/Add.149, para. 37).

6. Please update the Committee on the measures taken to prohibit the corporal punishment of children in all settings, including in the home. Please also specify whether

the State party has taken measures to change public attitudes and raise awareness to promote positive, non-violent and participatory forms of child-rearing and discipline.

7. Please provide information on the measures taken to prevent and combat child sexual abuse and child sexual exploitation, including through the effective investigation and prosecution of reported cases. Please also inform the Committee of the measures taken to provide physical and psychological rehabilitation services and to support the social reintegration of the victims of such crimes.

8. Please clarify which laws and policies regulate both domestic and intercountry adoptions and what mechanisms exist to monitor the practice of informal customary adoptions. Please also inform the Committee whether the State party intends to grant citizenship to children of non-citizen parentage adopted by citizens of Palau.

9. Please provide updated information on the measures taken to provide children with disabilities with inclusive education in mainstream schools and to provide access to information and to all public spaces and facilities.

10. Please indicate the steps taken to address the prevalence of non-communicable diseases, such as obesity and diabetes, among children. Please also inform the Committee of the measures taken to combat the high suicide rate, drug, alcohol and tobacco abuse, teenage pregnancy and sexually transmitted diseases.

11. Please inform the Committee whether the State party has taken measures to prevent children dropping out of school, particularly at the secondary school level. Please also provide information on the measures taken to train teachers and to ensure that they, especially those working in elementary schools, have the required pedagogical qualifications.

Part II

12. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

(a) New bills or laws, and their respective regulations;

(b) New institutions (and their mandates) or institutional reforms;

(c) Recently introduced policies, programmes and action plans and their scope and financing;

(d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

13. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

14. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children, including those living in remote communities and on the outer islands:

(a) Separated from their parents;

(b) Living in female-headed households;

(c) Living with extended families;

(d) Adopted domestically or through intercountry adoptions.

15. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities in all parts of the State party:

(a) Living with their families;

(b) Attending regular primary schools;

(c) Attending regular secondary schools;

(d) Attending special schools;

(e) Out of school;

(f) Abandoned by their families.

16. Please provide the Committee with an update of any data in the report that may have become outdated by more recent data collected or other new developments.

17. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.